

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
ITV DIRECT, INC.,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-CV-10421-JLT
)	
HEALTHY SOLUTIONS, LLC, et al.,)	
Defendants.)	
_____)	
RELATED CASES)	
_____)	

**JOINT MOTION FOR EXTENSION
OF DEADLINES FOR COMPLETION OF INITIAL DEPOSITIONS**

The plaintiff, ITV Direct, Inc. (“ITV”), and the counterclaim defendant, Direct Fulfillment, LLC (“Direct Fulfillment”), and defendants/counterclaim plaintiffs, Healthy Solutions, LLC, Health Solutions, Inc., Alejandro Guerrero, Michael Howell, and Greg Geremesz (“Healthy Solutions Defendants”) (collectively, the “Parties”), jointly and respectfully request that the Court extend by six weeks the July 20, 2004 deadline by which the eight initial depositions set forth in the Court’s Order of May 21, 2004 must be completed, up to and including August 31, 2004. In support of their Joint Motion, the Parties state as follows:

1. The Parties appeared before the Court on May 20, 2004 for a hearing on Healthy Solutions Defendants’ Motion for Temporary Restraining Order Against ITV, for Expedited Discovery, and for Preliminary Injunction. At the hearing and by its Order of May 21, 2004, the Court denied Healthy Solutions’ Motion.

2. Although the Court denied Healthy Solutions Defendants’ request for expedited discovery, the Court ordered that the Parties comply with the Court’s Rule 26 order by June 20, 2004, as well as complete eight initial depositions within the next thirty days. Specifically the Court allowed both the Healthy Solutions Defendants and ITV to conduct Federal R. Civ. P. 30(b)(6) depositions of each other. The Healthy Solutions Defendants also were allowed to

conduct the depositions of three individuals at ITV who were identified in the Court's Order, and ITV was similarly allowed to conduct the depositions of three named individuals at Healthy Solutions.

3. In addition, the Court ordered that the Healthy Solutions Defendants, who are all residents of California, would appear in Massachusetts for their depositions. The Court set a deadline of July 20, 2004 for the completion of these eight initial depositions, and scheduled a further conference before the Court for August 5, 2004.

4. The Parties exchanged documents pursuant to the Court's Rule 26 Order, and scheduled the eight depositions for dates in July.

5. After ITV served notices of deposition in this case, counsel for the Healthy Solutions Defendants sought to reschedule the four depositions due to the fact that Defendant Guerrero was going to be on vacation for several weeks in the month of July. ITV's counsel could not reschedule the depositions to another date in July because he was scheduled to be on trial in the Massachusetts Superior Court, while ITV's other counsel had a vacation planned for the week of July 12, 2004. Another contributing factor to the scheduling conflict is the fact that the Healthy Solutions Defendants will need to travel from California for their depositions, which limits their scheduling flexibility.

6. Although they had initially sought expedited discovery in this case, the Healthy Solutions Defendants proposed filing a motion to extend the deposition deadline in order to reschedule the depositions for the month of August. ITV agreed to a limited six-week extension, assuming that the depositions were conducted in the same order as they were originally noticed.

7. Counsel for ITV conferred with counsel for Plaintiff-in-Intervention, Cappseals, Inc. ("Cappseals"), regarding this motions. Cappseals assents to the extension of the deadline for these depositions, as long as it does not affect the Court's consideration of Cappseals' Motion for Partial Summary Judgment, which was filed on June 24, 2004. The Healthy Solutions Defendants and ITV both agree that the extension of the deadline for depositions should not affect the Court's consideration of Cappseals' Motion for Summary Judgment and advise the

Court of the same.

8. Accordingly, the Parties require additional time to complete the eight pending depositions. No party will be prejudiced by this limited extension.

WHEREFORE, the Parties respectfully request that this Court extend the date for completing the eight pending depositions by six weeks until August 31, 2004.

Respectfully submitted,

ITV DIRECT, INC. and DIRECT
FULFILLMENT, LLC

HEALTHY SOLUTIONS, LLC, HEALTH
SOLUTIONS, INC., ALEJANDRO
GUERRERO, MICHAEL HOWELL, and GREG
GEREMESZ,

By their attorney(s),

By their attorneys

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By their attorney(s),

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Dated: July 15, 2004